



22 MAY 2007

GLAXOSMITHKLINE
Corporate Intellectual Property, MAI B475
Five Moore Dr., P.O. BOX 13398
Research Triangle Park, NC 27709-3398

In re Application of :
BROWN, et al. :
Application No.: 10/597,527 :
PCT No.: PCT/GB05/00348 :
Int. Filing Date: 01 February 2005 :
Priority Date: 03 February 2004 :
Attorney Docket No.: Pb60728USW :
For: COMBINATION OF CB2 MODULATORS :
AND PDE4 INHIBITORS FOR USE IN :
MEDICINE :

DECISION ON PAPERS

UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 02 November 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 01 February 2005, applicant filed international application PCT/GB05/00348, which claimed priority to an earlier application filed 03 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 August 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 August 2006.

On 28 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a First Preliminary Amendment.

On 02 November 2006, applicant filed the declaration discussed herein accompanied by payment of the surcharge for providing an executed oath or declaration of the inventors later than thirty months from the earliest claimed priority date.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

“In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.”

In addition to the inventors listed on the published international application, the declaration submitted on 02 November 2006 was executed by Jennifer Margaret Doughty as legal representative of the estate of deceased inventor, Richard Howard Green. The declaration provides the citizenship for the deceased inventor and the citizenship, residence and mailing address for the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 01 February 2005 and will be given a date of **02 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459